

## REMARKS

### *Claim Status*

Claims 1-15 are pending. Claims 1-15 were rejected.

### *Claim Rejections – 35 U.S.C. § 102*

The examiner has again rejected claims 1, 6, and 11 as being anticipated by Rose (US 2,464,720). The examiner feels that Rose discloses the spreader bar (10a), pivoted hook (14), a body (13) mounted to a base (20) which is mounted to the spreader bar (10a). Also all thins on the kite are indirectly connected to the kite user.

The applicant respectfully disagrees with the examiner. As was previously explained, the element that the examiner cites as a spreader, (10a), is in fact a kite strut. This is clear from the Rose figures and made especially clear from the Rose specification, which refers to 10a as a kite strut. See column 2 line 16 and 17. A kite strut, which is a stiff structural element of the kite is not designed to be attached to the kite user and clearly does not function in the same way as the applicant's spreader bar, as is required by the law of anticipation. Further, the Rose element that the examiner cites to as being a pivot hook, is described in Rose as a pivotally connected arms. See column 2, lines 6 and 7. The Rose pivotally connected arms do not function in the same was as the applicants pivoted hook as is required by the law of anticipation.

For the above reasons, Rose cannot lawfully anticipate the applicant's invention since it is **not** substantially identical to the claimed invention and **does not** have "all of the same elements found in exactly the same situation and united in the same way to perform the same function".

However, the applicant can see that the examiner is confused by the indirect connectability of the Rose invention to a user and therefore has amended claims 1, 6 and 11, above, to specify that the applicant's spreader bar attached directly to the use and the applicant's releasable hook is indirectly attachable to a kite, in direct opposition to the Rose disclosure. Therefore, the applicant respectfully requests that the examiner withdraw the instant rejection.

The examiner has again rejected claims 1-15 as being anticipated by Fricke (US 3,088,701). The examiner feels that Fricke shows a hook (2) connected to a base (1) and resilient bias (5) and blocker (8) the end of which is a "plate" that blocks its release and means (16) to connect to the spreader bar on the kite. Also all things on the kite are indirectly connected to the kite user.

The applicant respectfully disagrees with the examiner. As was explained before, the Fricke device does not have a spreader bar that is designed to attach to a user, the base element that the examiner cites is identical to the pivoting arm element and not an identifiably separate element.

For the above reasons, Fricke cannot lawfully anticipate the applicant's invention since it is **not** substantially identical to the claimed invention and **does not** have "all of the same elements found in exactly the same situation and united in the same way to perform the same function".

However, the applicant can see that the examiner is confused by the indirect connectability of the Fricke invention to a user and therefore has amended claims 1, 6 and 11, above, to specify that the applicant's spreader bar attached directly to the use and the applicant's releasable hook is indirectly attachable to a kite, in direct opposition to the Rose

disclosure. Therefore, the applicant respectfully requests that the examiner withdraw the instant rejection.

***Claim Rejections – 35 U.S.C. § 103***

The examiner has again rejected claims 1-15 as being obvious over Rose in view of Ennis (US 2,425,309). The examiner feels that the frame members on the kite are also called spreaders as shown in the new reference Britt et al (2003/0042366) and the old reference of Kay (US 2,484,096).

The applicant respectfully disagrees with the examiner. There is no teaching or suggestion in either Rose or Ennis, either individually or in combination, to make the examiner's combination. Further, nether Rose nor Ennis, either individually or in combination, teach or suggest a spreader bar that is designed to attach directly to the user, as is required by the claims as they are now amended.

Therefore, the amendments to the claims above have clearly and patentably distinguished the application's invention from any and all of cited prior art. There fore the applicant respectfully requests that the examiner withdraw the previous rejections and allow all of the claims to issue as they are now amended.

Respectfully submitted,



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